



U.S. Department of Justice

United States Attorney
Southern District of New York

MEMO ENDORSED

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BY ECF

The Honorable Valerie E. Caproni
United States District Judge
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, New York 10007

**Re: *United States v. The Tanker Vessel Known as the "Courageous,"* 21 Civ. 3636
(VEC)**

Dear Judge Caproni:

The Government writes in response to the Court's April 29, 2021 order (Dkt. No. 4), directing the parties to file a joint letter and proposed Case Management Plan in advance of the initial pretrial conference, currently scheduled for June 11, 2021. Because no claimant has contested the forfeiture or asserted an interest in the defendant property, the Government respectfully requests that the time to file a joint letter or proposed Case Management Plan be adjourned until approximately July 31, 2021, and that the scheduled pretrial conference be similarly adjourned. In the event that the forfeiture is not contested, the Government anticipates seeking a default judgment.

As the Court is aware, on April 23, 2021, the United States commenced an *in-rem* forfeiture action seeking the forfeiture of the Defendant-*in-rem*, by the filing of a Verified Complaint for Forfeiture (the "Verified Complaint"). The Verified Complaint alleged that the Defendant-*in-rem* is subject to forfeiture pursuant to Title 18, United States Code, Sections 981(a)(1)(A), 981(a)(1)(C), and 981(a)(1)(I), as property constituting or derived from proceeds traceable to violations of the International Emergency Economic Powers Act ("IEEPA"), codified at 50 U.S.C. §1701 *et seq.*, relating to the Democratic People's Republic of Korea, among other things. (Dkt. 1). The Government mailed notice of this action to all parties known to have a potential ownership interest in the vessel, and a notice of the action was also publicly posted online at forfeiture.gov on or about May 13, 2021. As set forth in Rule G(4)(a)(ii) and Rule G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the notice of forfeiture specified the Defendant-*in-rem* and the intent of the United States to forfeit and dispose of the Defendant-*in-rem*, thereby notifying all third parties of their right to file a claim to adjudicate the validity of their alleged legal interest in the Defendant-*in-rem*, within sixty days from the first day of publication of the Notice on the official government internet site.

Despite such notice, no other party has made an appearance in this case, and as a result, no joint letter or case management proposal can be filed at this time. The Government therefore respectfully requests that the Court's schedule be adjourned until approximately July 31, 2021. In the event that no party appears to contest the forfeiture or assert an interest in the defendant property within the 60-day period set forth in Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Claims, by July 12, 2021, the Government will, in the alternative, move for the Court to enter a default judgment of forfeiture of the Defendant-*in-rem*.

Respectfully submitted,

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United States Attorney

By: /s/
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Application GRANTED. The time to file a joint letter and proposed Case Management Plan is ADJOURNED to **July 29, 2021**. The June 11, 2021 IPTC is ADJOURNED to **August 6, 2021**. If no party has appeared to contest the forfeiture or assert an interest in the defendant property by the July 12, 2021 deadline, the Government must move for a default judgment in accordance with this Court's Individual Practices not later than **July 29, 2021**.

SO ORDERED.


6/8/2021

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE